

AMENDED IN SENATE AUGUST 31, 2015

AMENDED IN SENATE JUNE 25, 2015

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

## ASSEMBLY BILL

**No. 74**

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**Introduced by Assembly Member Calderon**  
**(Coauthors: Assembly Members Brown, Chávez, Cristina Garcia, and**  
**Thurmond)**  
**(Coauthor: Senator Block)**

January 5, 2015

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An act to amend Sections ~~1534, 1569.33, 1597.09, 1597.09~~ and 1597.55a of the Health and Safety Code, relating to care facilities.

### LEGISLATIVE COUNSEL'S DIGEST

AB 74, as amended, Calderon. ~~Care~~ *Child care* facilities: regulatory visits.

Under existing law, the State Department of Social Services regulates the licensure and operation of ~~community care facilities, residential care facilities for the elderly, child day care centers, centers~~ and family day care ~~homes. homes, and is required to inspect these centers or homes at least once every 5 years and, beginning January 1, 2017, at least once every 3 years.~~ Existing law provides that ~~these facilities, except for foster family homes, are a child day care center or family day care home~~ is subject to an unannounced ~~visits inspection~~ by the department ~~at least once every 5 years.~~ Existing law ~~department, and~~ requires the department to conduct an annual unannounced ~~visit inspection~~ under specified circumstances, including when a license is on probation, and to conduct annual unannounced ~~visits to inspections~~

~~of no less than 20% 20%, and commencing January 1, 2017, 30% of the facilities, other than foster family homes, these centers or homes that are not subject to an inspection under those specified circumstances.~~

~~This bill would instead make every facility of the types described above, except for foster family homes, subject to an annual unannounced visit by the department on and after July 1, 2018. The~~

~~This bill would revise the provisions requiring the department to conduct annual unannounced visits to no less than 20% of the facilities inspections of a child day care center or family day care home by instead requiring the department to conduct annual unannounced visits to inspections of no less than 30% of facilities on or before July 1, 2016, and no less than 40% 20% of those facilities on or before July 1, 2017. The bill would also delete the provisions requiring an unannounced visit at least once every 5 years: centers or homes on and after January 1, 2018, and until January 1, 2019. Beginning January 1, 2019, the bill would require the department to conduct an annual unannounced inspection of each child day care center or family day care home.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 1597.09 of the Health and Safety Code,
- 2     as added by Section 10 of Chapter 20 of the Statutes of 2015, is
- 3     amended to read:
- 4     1597.09. (a) Each licensed child day care center shall be
- 5     subject to unannounced inspections by the department. The
- 6     department shall inspect these facilities as often as necessary to
- 7     ensure the quality of care provided.
- 8     (b) The department shall conduct an annual unannounced
- 9     inspection of a licensed child day care center under any of the
- 10    following circumstances:
- 11    (1) When a license is on probation.
- 12    (2) When the terms of agreement in a facility compliance plan
- 13    require an annual inspection.
- 14    (3) When an accusation against a licensee is pending.
- 15    (4) In order to verify that a person who has been ordered out of
- 16    a child day care center by the department is no longer at the facility.
- 17    (c) (1) ~~The~~ On and after January 1, 2017, and until January
- 18    1, 2018, the department shall conduct an annual unannounced

1 inspection of no less than 30 percent of facilities not subject to an  
2 evaluation under subdivision (b).

3 (2) These unannounced inspections shall be conducted based  
4 on a random sampling methodology developed by the department.

5 ~~(d) The department shall inspect a licensed child day care center~~  
6 ~~at least once every three years.~~

7 *(d) (1) On and after January 1, 2018, and until January 1,*  
8 *2019, the department shall conduct an annual unannounced*  
9 *inspection of no less than 20 percent of facilities not subject to an*  
10 *evaluation under subdivision (b).*

11 *(2) These unannounced inspections shall be conducted based*  
12 *on a random sampling methodology developed by the department.*

13 *(e) On and after January 1, 2019, the department shall conduct*  
14 *annual unannounced inspections of all licensed child day care*  
15 *centers.*

16 ~~(e)~~

17 *(f) This section shall become operative on January 1, 2017.*

18 *SEC. 2. Section 1597.55a of the Health and Safety Code, as*  
19 *added by Section 12 of Chapter 20 of the Statutes of 2015, is*  
20 *amended to read:*

21 1597.55a. Every family day care home shall be subject to  
22 unannounced inspections by the department as provided in this  
23 section. The department shall inspect these facilities as often as  
24 necessary to ensure the quality of care provided.

25 (a) The department shall conduct an announced site inspection  
26 prior to the initial licensing of the applicant.

27 (b) The department shall conduct an annual unannounced  
28 inspection of a facility under any of the following circumstances:

29 (1) When a license is on probation.

30 (2) When the terms of agreement in a facility compliance plan  
31 require an annual inspection.

32 (3) When an accusation against a licensee is pending.

33 (4) In order to verify that a person who has been ordered out of  
34 a family day care home by the department is no longer at the  
35 facility.

36 ~~(c) (1) The~~ *On and after January 1, 2017, and until January*  
37 *1, 2018, the* department shall conduct annual unannounced  
38 inspections of no less than 30 percent of facilities not subject to  
39 an inspection under subdivision (b).

1 (2) These unannounced inspections shall be conducted based  
2 on a random sampling methodology developed by the department.

3 ~~(d) The department shall inspect a licensed family day care~~  
4 ~~home at least once every three years.~~

5 *(d) (1) On and after January 1, 2018, and until January 1,*  
6 *2019, the department shall conduct annual unannounced*  
7 *inspections of no less than 20 percent of facilities not subject to*  
8 *an inspection under subdivision (b).*

9 *(2) These unannounced inspections shall be conducted based*  
10 *on a random sampling methodology developed by the department.*

11 *(e) On and after January 1, 2019, the department shall conduct*  
12 *annual unannounced inspections of all family day care homes.*

13 ~~(e)~~

14 *(f) A public agency under contract with the department may*  
15 *make spot checks if it does not result in any cost to the state.*  
16 *However, spot checks shall not be required by the department.*

17 ~~(f)~~

18 *(g) The department or licensing agency shall make an*  
19 *unannounced site inspection on the basis of a complaint and a*  
20 *followup inspection as provided in Section 1596.853.*

21 ~~(g)~~

22 *(h) An unannounced site inspection shall adhere to both of the*  
23 *following conditions:*

24 *(1) The inspection shall take place only during the facility's*  
25 *normal business hours or at any time family day care services are*  
26 *being provided.*

27 *(2) The inspection of the facility shall be limited to those parts*  
28 *of the facility in which family day care services are provided or*  
29 *to which the children have access.*

30 ~~(h)~~

31 *(i) The department shall implement this section during periods*  
32 *that Section 1597.55b is not being implemented in accordance*  
33 *with Section 18285.5 of the Welfare and Institutions Code.*

34 ~~(i)~~

35 *(j) This section shall become operative on January 1, 2017.*

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**All matter omitted in this version of the bill  
appears in the bill as amended in the  
Senate, June 25, 2015. (JR11)**

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